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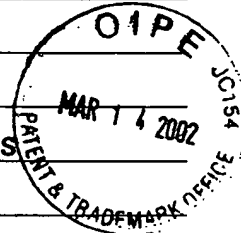
Serial No.: 09/911,367

Applicant(s): Landis, et al.

Filed: July 23, 2001

Title: DIAZAPHOSPHACYCLES

Date Mailed: March 6, 2002



- ☒ [X] Reply to Notice of Incomplete Reply
(Nonprovisional) (dupl. of pps. 1, 2, & Signature page)
- ☒ [X] Copy of Notice of Incomplete Reply
(Nonprovisinoal)
- ☒ [X] Copy of OIPE stamped return postcard
- ☒ [X] Copy of documents filed:
 - * Check Nos. 614390 (\$741.00) and 614388 (\$55.00)
 - * Transmittal of Missing Parts of Patent Application
 - * Two (2) signed Declaration and Power of Attorney Forms (4 pages each)
 - * Notice to File Missing parts of Nonprovisional Application
 - * Petition for Extension of Time Under 37 C.F.R. §1.136(a)

DOCKET NO.: 032026:0594

Atty.: BPF



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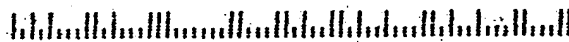
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**FOLEY & LARDNER
MADISON, WI**

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Bernard P. Friedrichsen, Esq.
Foley & Lardner
P.O. Box 1497
Madison, WI 53701-1497

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Clark R. LANDIS, et al.
Serial No.: 09/911,367

Attorney Docket No.: 032026-0594

Group Art Unit: 1625

Filed: July 23, 2001

Date: March 6, 2002

For: DIAZAPHOSPHACYCLES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on March 6, 2002.

Bernard P. Friedrichsen

(Name of applicant, assignee
or Registered Representative)



(Signature)

March 6, 2002

(Date of Signature)

REPLY TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Dear Sir or Madam:

This communication is in reply to a Notice of Incomplete Reply (Nonprovisional) dated February 26, 2002. Enclosed are copies of the Notice of Incomplete Reply; each of the documents filed by Applicants on November 30, 2001, in response to a Notice to File Missing Parts (mailing date of September 26, 2001); and a copy of the OIPE stamped return postcard relating to the documents filed on November 30, 2001.

A copy of the Notice of Incomplete Reply, the OIPE-stamped postcard associated with Applicants' reply to the Notice to File Missing Parts, and the Declaration and Power of Attorney form signed by Jonathan S. Owen were sent via facsimile to Ms. Joyce Riley yesterday, March 5, 2002. Although the facsimile sent to Ms. Riley should be sufficient to reply to the Notice of Incomplete Reply, the current communication is submitted to insure that the United States Patent and Trademark Office is in possession of each of the documents submitted by Applicants in their November 30, 2001, reply to the Notice to File Missing Parts.

Applicants believe that no fees are due for this filing for the reasons stated below. However, the Patent Office is hereby authorized to charge any additional fees required for this filing to deposit account no. 06-1447 should such be deemed necessary. For the purpose of charging said deposit account, duplicates of pages 1 and 2 and the signature page of this response are submitted herewith.

REMARKS

The Notice of Incomplete Reply (Non provisional) dated February 26, 2002, indicates that the United States Patent and Trademark Office received and entered Applicants' November 30, 2001, reply to the Notice to File Missing Parts (mailing date of September 26, 2001). However, the Notice of Incomplete Reply states that Jonathan S. Owen's signature was missing from the oath or declaration. Consequently, the Notice of Incomplete Reply requires that an oath or declaration with Jonathan S. Owen's signature be submitted. For the reasons stated below, Applicants respectfully contend that the Notice of Incomplete Reply was issued in error.

A copy of each of the documents filed by Applicants on November 30, 2001 in response to the Notice to File Missing Parts is enclosed along with the OIPE stamped return postcard. The return postcard indicates that the following items included in Applicants' response of November 30, 2001, were received by the Patent and Trademark Office:

- A Transmittal of Missing Parts of Patent Application (1 page) (duplicate)
- Two (2) Signed Declaration and Power of Attorney forms (4 pages each)
- A Copy of the Notice to File Missing Parts (Part 2) (1 page)
- A Petition for Extension of Time Under 37 C.F.R. § 1.136(a) (2 pages)(duplicate)
- Check No. 614390 in the amount of \$741.00
- Check No. 614388 in the amount of \$55.00

The return postcard specifically indicates that Applicants submitted two (2) signed Declaration and Power of Attorney forms in reply to the Notice to File Missing Parts. One of the signed Declaration and Power of Attorney forms included the signatures of 3 of the 4 inventors (Clark R. Landis, Wiechang Jin, and Thomas P. Clark) and the other signed Declaration and Power of Attorney form included the signature of the fourth inventor, Jonathan S. Owen. A copy of the two Declaration and Power of Attorney forms is included along with the other items filed on November 30, 2001.

Inspection of each of the documents filed by Applicants on November 30, 2001, will show that Applicants' reply to the Notice to File Missing Parts was complete. Because Applicants' original reply to the Notice to File Missing Parts was complete, Applicants respectfully contend that the Notice of Incomplete Reply (Nonprovisional) was erroneously issued. Applicants, therefore, respectfully request that the Notice of Incomplete Reply be withdrawn. Applicants also respectfully request written confirmation that the November 30, 2001 reply to the Notice to File Missing parts was complete and adequate. Because Applicants included each of the required items in their reply of November 30, 2001, no further fee should be due for this filing.

CONCLUSION

In view of the enclosed documents and above remarks, it is respectfully submitted that Applicants completely responded to the Notice to File Missing Parts dated September 26, 2001 and the Notice of Incomplete Reply (Nonprovisional) dated February 26,

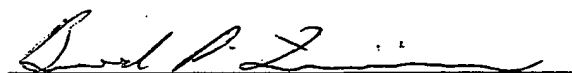
Serial No. 09/911,367

2002. Applicants respectfully request written confirmation that the Notice of Incomplete Reply has been withdrawn or properly responded to and that the Notice to File Missing Parts dated September 26, 2001 was properly and completely responded to by Applicants' reply filed November 30, 2001. Should the Examiner have any questions, he or she is invited to call the undersigned at (608) 258-4281.

Respectfully submitted,

March 6, 2002

Date



Bernard P. Friedrichsen

Reg. No. 44,689

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/911,367	07/23/2001	Clark R. Landis	032026:0594

CONFIRMATION NO. 3382

FORMALITIES LETTER



OC000000007533950

Foley & Lardner
P.O. BOX 1497
Madison, WI 53701-1497

Date Mailed: 02/26/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 01/11/2002 to the Notice to File Missing Parts (Notice) mailed 09/26/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The signature of the following inventor(s) is missing from the oath or declaration:
Jonathan S. Owen

A copy of this notice MUST be returned with the reply.

Sadie Thuan

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

DOCKETED

BY

TICKLER

BY

DATE 3-05-02

DATE 3/5/02

*Response to Notice of
Incomplete Reply*

RECEIVED

MAR 4 2002

FOLEY & LARDNER
MADISON, WI

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